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June 22, 2023

David J. Smith
Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Re: *Paul Eknes-Tucker, et al. v. Governor of the State of Alabama, et al.*
Case No. 22-11707

Dear Mr. Smith:

Plaintiffs-Appellees submit this notice of supplemental authority.

On June 20, 2023, in *Brandt v. Rutledge*, Case No. 4:21-CV-450, the Eastern District of Arkansas granted the plaintiffs' motion for a permanent injunction. A copy of the decision is attached ("Op.") and is available at 2023 WL 4073727.

Arkansas enacted Act 626, which banned physicians or healthcare professionals from providing "gender transition procedures" to minors. (Op. at 1). "Gender transition procedures" means "the process in which a person goes from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex" and includes, *inter alia*, the provision of puberty-blocking drugs and cross-sex hormones. *Id.* at 1-2.

The district court preliminarily enjoined enforcement of Act 626, *Brandt v. Rutledge*, 626, 551 F. Supp. 3d 882 (E.D. Ark. 2021), and the Eighth Circuit affirmed. *Brandt by and through Brandt v. Rutledge*, 47 F.4th 661 (8th Cir. 2022).

After an eight-day trial, the district court made detailed findings of fact. (Op. at 5-62). Based on those findings – which substantially mirror the findings in this case – the district court reached the following conclusions:

(i) Act 626 violates the Equal Protection Clause because Act 626 “prohibits medical care on the basis of sex and the State has failed to meet its demanding burden of proving [Act 626] advances [the State’s] articulated interests,” *id.* at 74; and

(ii) Act 626 violates the Due Process Clause because Act 626, without being narrowly tailored, “would take away [the parent plaintiffs’] fundamental right to provide healthcare for their children and give that right to the Arkansas Legislature.” *Id.* at 76.

Based on those findings of fact and conclusions of law,¹ the district court permanently enjoined the Arkansas Attorney General and the Arkansas State Medical Board from enforcing Act 626. *Id.* at 79-80.

Respectfully submitted,

/s/ Jeffrey P. Doss

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cc: All Counsel of Record (via CM/ECF)

¹ In addition, the district court determined that Act 626 violates the First Amendment – an issue unrelated to the present appeal. (Op. at 76-79).